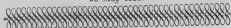


28 May 1830.



(Ireland.)

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B I L L

For further facilitating summary Proceedings
before Magistrates in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

W H E R E A S by an Act passed in the third year of the reign
of His present MAJESTY, intituled, "An Act to facilitate
" summary Proceedings before Justices of the Peace and others," it is
enacted, that in all cases wherein a Conviction shall have taken place,
5 and no particular form for the Record thereof hath been directed, the
Justice or Justices, Deputy Lieutenant or Deputy Lieutenants, or other
person or persons duly authorized to proceed summarily therein, and
before whom the offender or offenders shall have been convicted, shall
and may cause the Record of such conviction to be drawn up in the
10 manner and form following, (that is to say)

" County (or, as the } BE it Remembered, That on the
case may be.) } day of in the year of our Lord
" at in the county of
" A. B. of in the county of
15 " labourer (or, as the case may be) personally came before
" me (or, before us, &c.) C. D. one (or more, as the case
" may be) of His Majesty's Justices of the Peace for the said
" and informed me (or, us, &c.) that E. F. of
" in the county of on the
" day of at in the said
" did

" did (here set forth the fact for which the Information is
 " laid) contrary to the form of the statute in such case made
 " and provided: Whereupon the said E. F. after being duly
 " summoned to answer the said charge, appeared before me
 " (or, us, &c.) on the day of at 5
 " in the said and having heard the
 " charge contained in the said Information, declared he was
 " not guilty of the said offence; (or, as the case may happen
 " to be) did not appear before me (or, us, &c.) pursuant to the
 " said summons (or, did neglect and refuse to make any 10
 " defence against the said charge): Whereupon I, (or, we, &c.
 " or, Nevertheless I, or we, &c.) the said Justice or Justices
 " did proceed to examine into the truth of the charge con-
 " tained in the said Information, and on the day
 " of aforesaid, at the parish of afore- 15
 " said, one credible witness, to wit, A. W. of in
 " the county of upon his oath deposeth and
 " saith, (if E. F. be present, say, in the presence of the
 " said E. F.) that within months (or, as the case may
 " be) next before the said Information was made before me 20
 " (or, us, &c.) the said Justice, by the said A. B. to wit, in
 " the day of in the year
 " the said E. F. at in the said county of
 " [here state the evidence, and as nearly as possible in the
 " words used by the witness, and if more than one witness be 25
 " examined, state the evidence given by each] (or if the de-
 " fendant confess, instead of stating the evidence, say) and
 " the said E. F. acknowledged and voluntarily confessed the
 " same to be true; Therefore it manifestly appearing to me
 " (or, us, &c.) that he the said E. F. is guilty of the offence 30
 " charged upon him in the said Information, I (or, we, &c.)
 " do hereby convict him of the offence aforesaid, and do de-
 " clare and adjudge that he the said E. F. hath forfeited the
 " sum of of lawful money of Great Britain for
 " the offence aforesaid, to be distributed (or, paid, as the case 35
 " may be) according to the form of the statute in that case
 " made and provided. Given under my hand (or, our hands,
 " &c.) and seal, the day of in the year
 " of our Lord

And whereas in many cases Convictions drawn up with intent to 40
 comply with or be according to the form contained in the said recited
 Act, have been set aside in Ireland before the merits have been tried,
 because in filling up the blank wherein is directed to be set forth the
 fact for which the Information is laid, the offence, although distinctly
 described,

described, has not been expressed in such a technical manner as legally to describe the offence;

FOR Remedy whereof,

- BE it Enacted, by The KING's most Excellent MAJESTY, by
 5 and with the advice and consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and
 by the Authority of the same, THAT from and after the passing
 of this Act, in every case wherein a conviction shall have taken place
 in Ireland, and the record whereof shall have been drawn up to
 10 the manner, or to the effect expressed in the said recited Act, such
 conviction shall be valid notwithstanding any defect of form in the
 name, statement or description of the offence; and if any party think-
 ing himself aggrieved by such conviction, shall appeal to the Court
 of General or Quarter Sessions, the said Court shall not set aside or
 15 vacate the conviction on account of any defect in substance in the de-
 scription of the offence, unless such defect be stated and relied upon in
 the notice of appeal; and that where any such defect shall be stated
 in the notice of appeal, the conviction shall not be set aside or vacated
 on account thereof, if it shall appear to the Court that the expressions
 20 contained in the record of such conviction, according to such a fair and
 liberal construction as will be agreeable to the justice of the case, do dis-
 tinctly set forth the nature of the offence.

Convictions drawn up ac-
 cording to re-
 cited Act shall
 be valid, not-
 withstanding
 any defect in
 the description
 of the offence.

- AND whereas Justices of the peace sitting in Petty Sessions, and
 otherwise discharging their duty in Ireland, in trying or deciding
 25 civil and criminal cases within their jurisdiction as such Justices of the
 peace by virtue of any Act or Acts in force in Ireland, have frequently
 through error or mistake of the law deprived the persons interested in
 such cases as parties therein, of the benefit of legal advice and assist-
 ance, by refusing to permit attorneys and counsel to appear or plead
 30 for such parties, erroneously supposing that they were entitled by law to
 refuse, whereby such parties have been deprived in such cases of their
 legal right; FOR Remedy whereof, BE it Enacted, That from and after
 the passing of this Act, in all cases, civil or criminal, in which Justices
 of the peace shall sit in Petty Sessions or otherwise, to try or decide
 35 any such case in Ireland, by virtue of any jurisdiction given to them
 as aforesaid, all persons interested in such cases respectively as parties,
 shall and may have and be permitted by such Justice of the peace
 to have the assistance of an attorney or counsel, or both attorney
 and counsel, in the proper discharge of their respective duties to or for
 such parties respectively, in the same manner and subject to the same
 rules, restrictions and regulations as such counsel or attorney would be
 subject if such cases were pending or tried before any of His Majesty's
 superior Courts of Law.

Persons inter-
 ested in civil
 or criminal
 Cases, per-
 mitted to have
 the assistance
 of Attorneys
 and Counsel,
 as in any of
 the Superior
 Courts of
 Law.

11 Geo. IV.—Sess. 1830.

(Ireland.)

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For further facilitating summary Proceedings
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*Ordered, by The House of Commons, to be Printed,
on May 1830.*
